

**Town of Clarence  
Planning and Zoning**

# Memo

**To:** Town Board Members

**From:** James Callahan, Director of Community Development

**cc:** Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

**Date:** November 9, 2017

**Re:** November 15, 2017 Town Board Agenda

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**Following is a review/analysis of the items listed on the November 15, 2017 Town Board Agenda:**

**PUBLIC HEARINGS:**

**1. KELLY SCHULTZ, 10885 MAIN STREET.**

**Location:** Southeast corner of Main Street and Schurr Road.

**Description/History:** Existing commercial building located in the Clarence Hollow TND and within the Clarence Hollow Overlay District and Clarence Sewer District #9.

**Proposal:** Applicant is seeking approvals to renovate the building and create a mixed use development with commercial as well as residential uses.

**Comprehensive Plan:** The project site is located in the Clarence Hollow TND and subject to design guidelines and within Clarence Sewer District #9.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has final approval authority for multiple family residential projects via a Special Exception Use Permit.

**Issues:** First project in under newly adopted code changes. The proposal will meet the standards as recently adopted. The Planning Board has forwarded a recommendation on the project.

**FORMAL AGENDA ITEMS:**

**1. THEODORE HALLAC, 7149 TRANSIT ROAD.**

**Location:** Southeast corner of Transit Road and Lapp Road.

**Description/History:** Existing vacant, residential and commercial property located in the Traditional Neighborhood District.

**Proposal:** Applicant is seeking a permit to fill the property.

**Comprehensive Plan:** Area identified within the Swormville Traditional Neighborhood District.

**Reason for Town Board Action:** Per the Clearing Filling and Grading Local Law, the Town Board has approval authority to issue fill permits.

**Issues:** Referral to the Planning Board will initiate formal review of the application, including coordinated review under SEQRA.

**2. WEST-HERR NISSAN, 8137**

**Location:** South of Main Street and East of Transit Road at the Terminus of Auto Place Drive

**Description/History:** Vacant Commercial Land located immediately adjacent to an existing automotive sales operation located in the Commercial Zone.

**Proposal:** Applicant is proposing to develop a large parking lot for vehicle storage.

**Comprehensive Plan:** Area identified in a commercial classification.

**Reason for Town Board Action:** Expansion of the parking field for an existing automotive use will require Planning Board review and approval. The Town Board has an opportunity to forward any comments to the Planning Board to ensure an acceptable design/development.

**Issues:** Referral to the Planning Board will initiate formal review of the project.

**3. LIFESTYLE CENTER DISTRICT ZONE/AMENDMENT TO ZONING LAW (CHAPTER 229)**

**Location:** Commercial, Major Arterial, Restricted Business and Traditional Neighborhood District Zones located within a sewer district.

**Description/History:** Draft code to create a Lifestyle Center Zoning District that will allow for a mix of uses in a master planned setting to address issues of character, access and open space within a mixed use design.

**Proposal:** Draft Law ready for Town Board consideration and adoption.

**Reason for Town Board Action:** The Town Board has final authority to create a new zoning classification as an amendment to the Zoning Law.

**Issues:** An action under SEQRA will be required prior to action on the draft law.

#### **4. ANNUAL PUBLIC HEARING ON CLARENCE 2030**

A Public Hearing shall be held once a year, as initiated by the Town Board, to gather input from the public and other interested parties as well as considering any proposed alterations to the Plan. The Town Board shall have the opportunity to table, deny or refer any proposals to the Planning Board for further review and recommendation. A successful Plan is developed and implemented on multiple levels, addressing short and long term needs of the community while providing varying levels of detail through the following elements, as outlined on page 17: Vision, Goals, Strategies and Action Items. The Annual Review will act to keep the Plan current and relevant throughout its lifespan by updating outcomes and accomplishments. During the year and prior to the yearly Public Hearing, the Planning Department will gather outcomes, comment, status, critique and recommendations from Town Staff, boards, residents and potential parties as listed within each Action Item. This gathered information will be analyzed in relationship to the Plan, and subsequently presented to the Town Board for review.

The Annual Review process may generate four types of proposed amendments to the Plan. These types of amendments are as follows: » Relevancy Update: Minor text, image, map or figure changes. Relevancy Updates may add accomplishments, correct publishing errors, update demographic and census data, replace outdated images and amend Action Items. » Shifting Focus: Alterations to Strategies. Shifting Focus may alter a Strategy in order to better accomplish a Goal. As community needs continue to evolve, it may be necessary to adapt the method for which a goal is achieved. » Changing Course: Alterations to Goals. Changing Course may add, remove or amend a Goal to better achieve the Vision. An unforeseen event could require this moderate to significant action in order to maintain an effective Plan. » Varying Function: Alterations to the Future Land Use Map. Varying Function may amend the Future Land Use Map. Any changes could guide subsequent re-zoning proposals that otherwise would be in conflict with the Plan previously.

#### **WORK SESSION ITEMS:**

##### **1. BENDERSON DEVELOPMENT/EASTGATE PLAZA, 4927 TRANSIT ROAD.**

**Location:** East side of Transit Road north of Sheridan drive

**Description/History:** Existing outparcel within the Eastgate Plaza and located within Major Arterial Zone.

**Proposal:** Applicant is proposing a building addition to the existing building located as an outparcel

**Comprehensive Plan:** Area identified within a commercial classification.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has an opportunity to comment on projects prior to referring the proposal to the Planning Board for formal review.

**Issues:** Referral to the Planning Board will initiate formal review of the project.

**2. CATHERINE SURIANELLO, 9060 MAIN STREET.**

**Location:** North side of Main Street, east of Shimerville Road.

**Description/History:** Existing older structure located in the Commercial Zone.

**Proposal:** Applicant is seeking approval to establish the structure as a local historic landmark.

**Comprehensive Plan:** Area identified in a commercial classification and the structure is identified as contributing to the historic character of the community.

**Reason for Town Board Action:** Per the Historic Preservation Law, the Town Board has final review and approval authority to grant local historic landmark status to structures in Town.

**Issues:** The Town Historic Preservation Commission has forwarded a recommendation to establish this structure as a local historic landmark. A public hearing will be required to consider the application.